

MAISHA IMANI HAMILTON, )  
 )  
 Petitioner, )  
 )  
 v. ) No. 4:08CV589 SNL  
 )  
 FEDERAL BUREAU )  
 OF INVESTIGATION, et al., )  
 )  
 Respondents. )

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and motion for temporary restraining order. The petition will be summarily denied.

Federal habeas relief is limited to persons whose liberty have been restrained because they are “in custody.” 28 U.S.C. § 2241; Hensley v. Municipal Court, San Jose Milpitas Judicial Dist., Santa Clara County, California, 411 U.S. 345, 351 (1973).

“Custody is a jurisdictional requirement for bringing . . . a habeas corpus suit under 28 U.S.C. § 2241 . . .” Jackson v. Carlson, 707 F.2d 943, 946 (7th Cir. 1983). A person who is a fugitive does not satisfy the “in custody” requirement of § 2241. See Gonzales v. Stover, 575 F.2d 827, 827-28 (10th Cir. 1978). As a result, petitioner does not meet § 2241’s “in custody” requirement, and the Court will deny the petition without further proceedings.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DENIED**.

**IT IS FURTHER ORDERED** that petitioner’s motion for temporary restraining order is **DENIED** as moot.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 2nd day of May, 2008.

A handwritten signature in cursive script, appearing to read "Stephen L. Limbaugh".

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SENIOR UNITED STATES DISTRICT JUDGE